IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2677 OF 2005

Suresh Basantlal Bagrodia ... Applicant

versus

The State of Maharashtra & ors. ... Respondents

...

Mr.Ghanshyam Upadhyay, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

3rd May 2005

P.C.:

. Mr. Upadhyay states that the Applicant is unable to remain present before the Court. He states that separate application has been filed by the Applicant explaining the circumstances in which he is unable to appear before the Court. There is no option for the Applicant, but to appear before the Court in person, if he was

interested in pursuing the present application and this position was made more than clear not only on 27th April 2005, but once again on 28th April 2005. Inspite of that, the Applicant has not chosen to appear before the Court which direction is consistent with the purport of section 438 of the Code, as applicable to the State of Maharashtra. Hence, the only option before this Court is to dismiss the present application. The investigating officer has been attending the Court proceedings regularly on the dates when the matter was adjourned expecting the presence of the Applicant. Hence, dismissed.

(A.M.KHANWILKAR,J.)